

**BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. 2008-107

KAREN LIANE KETTERMAN
13481 Tustin East Drive, #55
Tustin, CA 95780

Registered Nurse License No. 234032

Respondent.

DECISION AND ORDER

The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on March 20, 2008.

It is so ORDERED February 19, 2008.

LaTranene W Tate

FOR THE BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS

1 EDMUND G. BROWN JR., Attorney General
of the State of California
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8 Attorneys for Complainant
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10 **BEFORE THE**
11 **BOARD OF REGISTERED NURSING**
12 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

13 In the Matter of the Accusation Against:

Case No. 2008-107

14 **KAREN LIANE KETTERMAN**
13481 Tustin East Drive, #55
15 Tustin, CA 95780

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

16 Registered Nurse License No. 234032

17 Respondent.
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19 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this
20 proceeding that the following matters are true:

21 **PARTIES**

22 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) is the Executive Officer of
23 the Board of Registered Nursing. She brought this action solely in her official capacity and is
24 represented in this matter by Edmund G. Brown Jr., Attorney General of the State of California,
25 by T. Michelle Laird, Deputy Attorney General.

26 2. Karen Liane Kettermann, R.N. (Respondent) is representing herself in this
27 proceeding and has chosen not to exercise her right to be represented by counsel.

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3. On or about July 31, 1973, the Board of Registered Nursing (Board) issued Registered Nurse License Number 234032 to Respondent Karen Liane Ketterman. On November 21, 1975, the Board revoked Respondent's license. On May 6, 1977, the Board denied Respondent's petition for reinstatement. On March 29, 1979, the Board issued a license to Respondent subject to three years probation.

4. On May 28, 1988, in a Decision by the Board in Case No. 87-34, Respondent's Registered Nurse License was revoked; however, the revocation was stayed and the license was placed on probation for three years under certain terms and conditions. Probation was completed on or about May 28, 1991. The license is in inactive status and will expire on August 31, 2009, unless renewed.

JURISDICTION

5. Accusation No. 2008-107 was filed before the Board of Registered Nursing, Department of Consumer Affairs, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on October 5, 2007. Respondent timely filed her Notice of Defense contesting the Accusation. A copy of Accusation No. 2008-107 is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

6. Respondent has carefully read and understands the charges and allegations in Accusation No. 2008-107. Respondent also has carefully read and understands the effects of this Stipulated Surrender of License and Order.

7. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel at her own expense; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

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1 8. Respondent voluntarily, knowingly, and intelligently waives and gives up
2 each and every right set forth above.

3 **CULPABILITY**

4 9. Respondent admits the truth of each and every charge and allegation in
5 Accusation No. 2008-107, agrees that cause exists for discipline and hereby surrenders her
6 Registered Nurse License Number 234032 for the Board's formal acceptance.

7 10. Respondent understands that by signing this stipulation she enables the
8 Board to issue an order accepting the surrender of her Registered Nurse license without further
9 process.

10 **CONTINGENCY**

11 11. This stipulation shall be subject to approval by the Board of Registered
12 Nursing. Respondent understands and agrees that counsel for Complainant and the staff of the
13 Board of Registered Nursing may communicate directly with the Board regarding this stipulation
14 and surrender, without notice to or participation by Respondent. By signing the stipulation,
15 Respondent understands and agrees that she may not withdraw her agreement or seek to rescind
16 the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt
17 this stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary Order shall
18 be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action
19 between the parties, and the Board shall not be disqualified from further action by having
20 considered this matter.

21 12. The parties understand and agree that facsimile copies of this Stipulated
22 Surrender of License and Order, including facsimile signatures thereto, shall have the same force
23 and effect as the originals.

24 13. In consideration of the foregoing admissions and stipulations, the parties
25 agree that the Board may, without further notice or formal proceeding, issue and enter the
26 following Order:

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1. The surrender of Respondent's Registered Nurse License and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Board.

3. Respondent shall cause to be delivered to the Board both her wall and pocket license on or before the effective date of the Decision and Order.

5. Upon reinstatement of a license or issuance of a new license by the Board, Respondent shall pay to the Board costs associated with its investigation and enforcement pursuant to Business and Professions Code section 125.3 in the amount of two-thousand, seven-hundred, forty-one dollars and seventy-five cents (\$2,741.75).] Respondent shall be permitted to pay these costs in a payment plan approved by the Board.

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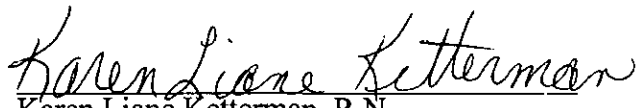
1 deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of
2 Issues or any other proceeding seeking to deny or restrict licensure.

3 7. Respondent shall not apply for licensure or petition for reinstatement for
4 two (2) years from the effective date of the Board of Registered Nursing's Decision and Order.

5 **ACCEPTANCE**

6 I have carefully read the Stipulated Surrender of License and Order. I understand
7 the stipulation and the effect it will have on my Registered Nurse license. I enter into this
8 Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to
9 be bound by the Decision and Order of the Board of Registered Nursing.

10 DATED: 11-30-07

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12 
13 Karen Liane Kettermann, R.N.
14 Respondent

14 **ENDORSEMENT**

15 The foregoing Stipulated Surrender of License and Order is hereby respectfully
16 submitted for consideration by the Board of Registered Nursing of the Department of Consumer
17 Affairs.

18 DATED: Dec. 1, '07

19
20 EDMUND G. BROWN JR., Attorney General
of the State of California

21 LINDA K. SCHNEIDER
22 Supervising Deputy Attorney General

23
24 
25 T. MICHELLE LAIRD
Deputy Attorney General

26 Attorneys for Complainant

Exhibit A
Accusation No. 2008-107

1 BILL LOCKYER, Attorney General
of the State of California
2 LINDA K. SCHNEIDER
Supervising Deputy Attorney General
3 T. MICHELLE LAIRD, State Bar No. 162979
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9 Attorneys for Complainant

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11 **BEFORE THE**
BOARD OF REGISTERED NURSING
12 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

13
14 In the Matter of the Accusation Against:

Case No. 2008-107

15 **KAREN LIANE KETTERMAN**
13481 Tustin East Drive, #55
16 Tustin, CA 95780

ACCUSATION

17 Registered Nurse License No. 234032,

Respondent.

18
19 Complainant alleges:

20 **PARTIES**

21 1. Ruth Ann Terry, M.P.H., R.N. ("Complainant") brings this Accusation
22 solely in her official capacity as the Executive Officer of the Board of Registered Nursing,
23 Department of Consumer Affairs.

24 2. On or about July 31, 1973, the Board of Registered Nursing ("Board")
25 issued Registered Nurse License Number 234032 to Karen Liane Kettermann ("Respondent"). On
26 November 21, 1975, the Board revoked Respondent's license. On May 6, 1977, the Board
27 denied Respondent's petition for reinstatement. On March 29, 1979, the Board issued a license
28 to Respondent subject to three years probation.

3. On May 28, 1988, in a Decision by the Board in Case No. 87-34, Respondent's Registered Nurse License was revoked; however, the revocation was stayed and the license was placed on probation for three years under certain terms and conditions. Probation was completed on or about May 28, 1991, and the license will expire on August 31, 2009, unless renewed.

JURISDICTION

4. Section 2750 of the Business and Professions Code (“Code”) provides:

Every certificate holder or licensee, including licensees holding temporary licenses, or licensees holding licenses placed in an inactive status, may be disciplined as provided in this article [Article 3 of the Nursing Practice Act (Bus. & Prof. Code, § 2700 et seq.)]. As used in this article, 'license' includes certificate, registration, or any other authorization to engage in practice regulated by this chapter. The proceedings under this article shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code [the Administrative Procedure Act], and the board shall have all the powers granted therein.

5. Code section 2764 provides:

The lapsing or suspension of a license by operation of law or by order or decision of the board or a court of law, or the voluntary surrender of a license by a licensee shall not deprive the board of jurisdiction to proceed with any investigation of or action or disciplinary proceeding against such license, or to render a decision suspending or revoking such license.

STATUTORY AND REGULATORY PROVISIONS

6. Code section 2761, subdivision (a) provides:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct

7. Code section 2762, subdivision (a), provides:

In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish or administer to another, any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as defined in Section 4022.

8. Code section 4022 defines “dangerous drug” to include the following:

(a) Any drug that bears the legend: ‘Caution: federal law prohibits dispensing without prescription,’ ‘Rx only,’ or words of similar import.

(b) Any device that bears the statement: 'Caution: federal law restricts this device to sale by or on the order of a _____,' 'Rx only,' or words of similar import, the blank to be filled in with the designation of the practitioner licensed to use or order use of the device.

(c) Any other drug or device that by federal or state law can be lawfully dispensed only on prescription or furnished pursuant to Section 4006.

9. Code section 4060 provides:

No person shall possess any controlled substance, except that furnished to a person upon the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor pursuant to Section 3640.7, or furnished pursuant to a drug order issued by a certified nurse-midwife pursuant to Section 2746.51, a nurse practitioner pursuant to Section 2836.1, a physician assistant pursuant to Section 3502.1, a naturopathic doctor pursuant to Section 3640.5, or a pharmacist pursuant to either subparagraph (D) of paragraph (4) of, or clause (iv) of subparagraph (A) of paragraph (5) of, subdivision (a) of Section 4052. This section shall not apply to the possession of any controlled substance by a manufacturer, wholesaler, pharmacy, pharmacist, physician, podiatrist, dentist, optometrist, veterinarian, naturopathic doctor, certified nurse-midwife, nurse practitioner, or physician assistant, when in stock in containers correctly labeled with the name and address of the supplier or producer.

10. Health and Safety Code section 11154 provides:

(a) Except in the regular practice of his or her profession, no person shall knowingly prescribe, administer, dispense, or furnish a controlled substance to or for any person or animal which is not under his or her treatment for a pathology or condition other than addiction to a controlled substance, except as provided in this division.

COST RECOVERY

11. Code section 125.3 provides that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

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1 **DRUGS**

2 12. "Ambien," a brand name for Zolpidem, is a Schedule IV controlled
3 substance as defined in Health and Safety Code section 11057, subdivision (d), and a dangerous
4 drug within the meaning of Code section 4022.

5 13. "Lortab" is a compound containing Hydrocodone, and is a Schedule III
6 controlled substance as designated by Health and Safety Code section 11056, subdivision (e)(4),
7 and a dangerous drug within the meaning of Code section 4022.

8 **FACTS**

9 14. During mid-2003, Respondent purchased approximately 30 tablets of
10 Lortab from an online Internet source over a three-month period, and later furnished that
11 substance to registered nurse J.S. Respondent also purchased Ambien from an online Internet
12 source for self-administration, and later shared that substance with J.S. Neither Respondent nor
13 J.S. possessed valid prescriptions for those substances. Respondent did not have a valid
14 prescription for either drug.

15 **FIRST CAUSE FOR DISCIPLINE**

16 (Wrongfully Possessing, Prescribing, Furnishing, and Self-administering
17 Controlled Substances/Dangerous Drugs)

18 15. Respondent's license is subject to discipline for unprofessional conduct
19 pursuant to Code section 2761(a) and section 2762(a), in that during mid-2003, Respondent
20 committed the following acts:

21 a. Wrongfully Possessing Controlled Substances/Dangerous Drugs.

22 Respondent possessed Lortab and Ambien in violation of Code section 4060.

23 b. Wrongfully Furnishing Controlled Substances/Dangerous Drugs.

24 Respondent furnished Lortab and Ambien to J.S., without the direction of a
25 licensed physician and surgeon, dentist, or podiatrist.

26 c. Wrongfully Prescribing Controlled Substances/Dangerous Drugs.

27 Respondent prescribed Ambien to herself without the direction of a licensed
28 physician and surgeon, dentist, or podiatrist.

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d. Wrongfully Self-Administering Controlled Substances/Dangerous Drugs


Respondent self-administered Ambien without the direction of a licensed physician and surgeon, dentist, or podiatrist.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing the Board issue a decision:

1. Revoking or suspending Registered Nurse License Number 234032, issued to Karen Liane Kettermann;
2. Ordering Karen Liane Kettermann to pay the reasonable costs incurred by the Board in the investigation and enforcement of this case pursuant to Code section 125.3; and,
3. Taking such other and further action as deemed necessary and proper.

DATED: 9/25/07


RUTH ANN TERRY, M.P.H., R.N.
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

BEFORE THE BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation)	
Against:)	
)	
KAREN LIANE KETTERMAN)	CASE NO. 87-34
aka Karen Liane Otto)	
#1 Amberwood)	L-39058
Irvine, CA 92714)	
)	
Registered Nurse License)	
Number G 234032)	
)	
Respondent.)	

DECISION AFTER NON-ADOPTION

This matter came on regularly for hearing before W. F. Byrnes, Administrative Law Judge of the Office of Administrative Hearings, at Santa Ana, California, on September 8, 1987. Susan Fitzgerald, Deputy Attorney General, represented the complainant. Respondent represented herself. Evidence was received and the proposed decision of the Administrative Law Judge was submitted to the Board on October 7, 1987. After due consideration thereof, the Board declined to adopt said proposed decision and thereafter on November 25, 1987 issued an Order of Nonadoption and subsequently on January 27, 1988 issued an Order Fixing Date for Submission of Written Argument. Written argument having been received and the time for filing written argument in this matter having expired, and the entire record, including the transcript of said hearing having been read and considered, the Board of

Registered Nursing pursuant to Government Code Section 11517
hereby makes the following decision:

FINDINGS OF FACT

I

Complainant Catherine M. Puri, R.N., Ph.D., made and filed the accusation in her official capacity as Executive Officer, Board of Registered Nursing, Department of Consumer Affairs, State of California.

II

Respondent is licensed as a registered nurse in California.

III

On July 31, 1973, the Board of Registered Nursing issued registered nurse license No. G 234032 to respondent Karen Liane Kettermann, also known as Karen Liane Otto. On November 21, 1975, the Board revoked respondent's license. On May 6, 1977, the Board denied her petition for reinstatement. On March 29, 1979, the Board issued a license to respondent, then placed the license on three years' probation. The license was in full force and effect at all times pertinent hereto and has been renewed through August 31, 1989.

III

Respondent stipulated to the truth of all of the following:

A. "Demerol," a brand name of meperidine hydrochloride, a derivative of pethidine, is a Schedule II controlled substance as designated by Health and Safety Code section 11055(c)(16).

"Dilaudid," a brand name of Hydromorphone, is a Schedule II controlled substance as designated by Health and Safety Code section 11055(b)(1)(K).

"Morphine Sulfate" is a Schedule II controlled substance as designated by Health and Safety Code section 11055(b)(1)(M).

B. On September 24, 1985, at 0100 hours, respondent signed for a 15 mg. of morphine sulfate, a controlled substance, on controlled drug record number 16316, line 4, for patient Kathleen C., and failed to chart administration of the substance on the patient's medication record.

C. On September 24, 1985, at 0400 hours, she signed for 15 mg. of morphine sulfate, a controlled substance, on controlled drug record number 16316, line 3, for patient Kathleen C., and failed to chart administration of the substance on the patient's medication record.

D. On September 24, 1985, at 0800 hours, she signed for 15 mg. of morphine sulfate, a controlled substance, on controlled drug record number 16316, line 2, for patient Kathleen C., and failed to chart administration of the substance on the patient's medication record.

E. On October 6, 1985, at 2330 hours, she signed for 75 mg. of Demerol, a controlled substance, on hospital controlled

drug record number 12355, line 6, for patient Teresa B., and failed to chart administration of the substance on the patient's medication record.

F. On October 6, 1985, at 0430 hours, she signed for 75 mg. of Demerol, a controlled substance, on hospital controlled drug record number 12383, line 1, for patient Elizabeth S., and failed to chart administration of the substance on the patient's medication record.

G. On October 11, 1985, at 2400 hours, she signed for 75 mg. of Demerol, a controlled substance, on hospital controlled drug record number 12409, line 1, for patient Terry S., and failed to chart administration of the substance on the patient's medication record.

H. On September 24, 1985, she obtained 4 mg. of Dilaudid, a controlled substance, by signing the name of J. Legget, R.N., on the hospital drug record in order to obtain the substance for her own use.

I. On September 26, 1985, she obtained 4 mg. of Dilaudid, a controlled substance, by signing the name of J. Legget, R.N., on the hospital controlled drug record in order to obtain the substance for her own use.

J. On September 30, 1985, she obtained 4 mg. of Dilaudid, a controlled substance, by signing the name of J. French, R.N., on the hospital controlled drug record in order to obtain the substance for her own use.

K. On September 24, 1985, she obtained 4 mg. of Dilaudid, a controlled substance, by signing the name of J. Legget, R.N., on the hospital controlled drug record in order to obtain the substance for her own use.

L. On October 1, 1985, she obtained 4 mg. of Dilaudid, a controlled substance, by signing the name of J. French, R.N., on the hospital controlled drug record in order to obtain the substance for her own use.

M. On October 5, 1985, she obtained 4 mg. of Dilaudid, a controlled substance, by signing the name of J. Legget, R.N., on the hospital controlled drug record in order to obtain the substance for her own use.

N. On October 5, 1985, she obtained 4 mg. of Dilaudid, a controlled substance, by signing the name of J. French, R.N., on the hospital controlled drug record in order to obtain the substance for her own use.

O. On October 10, 1985, she obtained 6 mg. of Dilaudid, a controlled substance, by signing the name of J. Legget, R.N., on the hospital controlled drug record in order to obtain the substance for her own use.

P. On October 10, 1985, she obtained 2 mg. of Dilaudid, a controlled substance, by signing the name of J. Legget, R.N., on the hospital controlled drug record in order to obtain the substance for her own use.

Q. On October 10, 1985, she obtained 2 mg. of Dilaudid, a controlled substance, by signing the name of J. Legget, R.N., on the hospital controlled drug record in order to obtain the substance for her own use.

R. On October 10, 1985, she obtained 75 mg. of Demerol, a controlled substance, by signing the name of J. French, R.N., on the hospital controlled drug record in order to obtain the substance for her own use.

S. On October 10, 1985, she obtained 200 mg. of Demerol, a controlled substance, by signing the name of J. Legget, R.N., on the hospital controlled drug record in order to obtain the substance for her own use.

T. On October 10, 1985, she obtained 200 mg. of Demerol, a controlled substance, by signing the name of J. French, R.N., on the hospital controlled drug record in order to obtain the substance for her own use.

U. On October 5, 1985, she obtained 200 mg. of Demerol, a controlled substance, by signing the name of J. French, R.N., on the hospital controlled drug record in order to obtain the substance for her own use.

V. On October 5, 1985, she obtained 100 mg. of Demerol, a controlled substance, by signing the name of J. Legget, R.N., on the hospital controlled drug record in order to obtain the substance for her own use.

W. On October 6, 1985, she obtained 100 mg. of Demerol, a controlled substance, by signing the name of J. Legget, R.N., on the hospital controlled drug record in order to obtain the substance for her own use.

X. On October 4, 1985, she obtained 200 mg. of Demerol, a controlled substance, by signing the name of J. Legget, R.N., on the hospital controlled drug record in order to obtain the substance for her own use.

Y. On October 4, 1985, she obtained 100 mg. of Demerol, a controlled substance, by signing the name of J. French, R.N., on the hospital controlled drug record in order to obtain the substance for her own use.

Z. On October 5, 1985, she obtained 75 mg. of Demerol, a controlled substance, by signing the name of J. French, R.N., on the hospital controlled drug record in order to obtain the substance for her own use.

AA. On October 5, 1985, she obtained 75 mg. of Demerol, a controlled substance, by signing the name of J. Legget, R.N., on the hospital controlled drug record in order to obtain the substance for her own use.

BB. On October 7, 1985, she obtained 75 mg. of Demerol, a controlled substance, by signing the name of J. French, R.N., on the hospital controlled drug record in order to obtain the substance for her own use.

CC. On October 8, 1985, she obtained 75 mg. of Demerol, a controlled substance, by signing the name of J. French, R.N., on the hospital controlled drug record in order to obtain the substance for her own use.

DD. On October 5, 1985, she obtained 100 mg. of Demerol, a controlled substance, by signing the name of J. French, R.N., on the hospital controlled drug record in order to obtain the substance for her own use.

EE. On October 5, 1985, she obtained 200 mg. of Demerol, a controlled substance, by signing the name of J. Legget, R.N., on the hospital controlled drug record in order to obtain the substance for her own use.

FF. On October 10, 1985, she obtained 200 mg. of Demerol, a controlled substance, by signing the name of J. Legget, R.N., on the hospital controlled drug record in order to obtain the substance for her own use.

GG. On September 26, 1985, she obtained 300 mg. of Demerol, a controlled substance, by misrepresenting on the hospital controlled drug record that she had obtained the substance for patient Laurence P., when in fact she obtained it for her own use.

HH. On September 29, 1985, she obtained 600 mg. of Demerol, a controlled substance, by misrepresenting on the hospital controlled drug record that she had obtained the substance for patient Sandra G., when in fact she obtained it for her own use.

II. On October 2, 1985, she obtained 700 mg. of Demerol, a controlled substance, by misrepresenting on the hospital controlled drug record that she had obtained the substance for patient Sharon K., when in fact she obtained it for her own use.

JJ. On October 3, 1985, she obtained 600 mg. of Demerol, a controlled substance, by misrepresenting on the hospital controlled drug record that she had obtained the substance for patient Kenneth G., when in fact she obtained it for her own use.

KK. On October 3, 1985, she obtained 225 mg. of Demerol, a controlled substance, by misrepresenting on the hospital controlled drug record that she had obtained the substance for patient Teresa B., when in fact she obtained it for her own use.

LL. On October 5, 1985, she obtained 800 mg. of Demerol, a controlled substance, by misrepresenting on the hospital controlled drug record that she had obtained the substance for patient Brian C., when in fact she obtained it for her own use.

MM. On October 7, 1985, she obtained 100 mg. of Demerol, a controlled substance, by misrepresenting on the hospital controlled drug record that she had obtained the substance for patient Brian C., when in fact she obtained it for her own use.

NN. On October 6, 1985, she obtained 150 mg. of Demerol, a controlled substance, by misrepresenting on the hospital controlled drug record that she had obtained the substance for patient Elizabeth S., when in fact she obtained it for her own use.

IV

In October, 1985, knowing herself to be in desperate trouble with substance abuse, respondent turned herself in to her employer and self-referred to the Nurses Diversion Program. After two months of intensive inpatient treatment, she entered an approved residential treatment program at New Directions in Costa Mesa, California, where she remained until her discharge in August, 1986. During her treatment, she was on monitored Naltrexone and Antabuse, had random drug screenings, attended daily AA/NA meetings, and participated in Nurse Support Groups. She has since remained substance-free for two years now, she has continued her regular participation in AA/NA and women's and nurses' support groups, and she often performs volunteer duties at New Directions women's residential recovery center.

V

Respondent does not wish to work again in a hospital setting. She is 47 years old, and a grandmother, and she feels that caring for hospital patients would be too stressful and demanding on her. For the past one and one-half years, however, she has been employed by Intracorp., of Anaheim, California, as a medical review specialist, with no access to any controlled substances and with her only patient contact by telephone calls. Respondent's employment is in medical utilization monitoring for insurance companies, e.g., review of patients' pre-certification for hospital admission and of the appropriateness of their

medical care. Nursing licensure is required for respondent's continued employment there.

VI

While respondent's acts during late 1985 clearly would justify revocation of her license in the normal situation, and while she is a possible candidate to repeat if she had easy access to controlled substances, nonetheless her progress in rehabilitation and the nature of her present employment are such that so long as she continues in her present employment or a similar job she appears to pose no threat to the public or to herself, and she can be a useful contributor in the nursing field.

DETERMINATION OF ISSUES

Pursuant to the foregoing findings of fact, the Board of Registered Nursing makes the following determination of issues:

I

Cause exists for the suspension or revocation of respondent's license, as follows:

- A. Pursuant to sections 2761(a) and 2762(e) of the Business and Professions Code, by reason of Findings III(B) through III(G).
- B. Pursuant to sections 2761(a) and 2762(a), by reason of Findings III(H) through III(NN).

II

Due consideration has been given to all competent evidence of rehabilitation and mitigation, to the events giving rise to the Accusation, to the seriousness of the events themselves, and to respondent's conduct since those events.

ORDER

WHEREFORE, THE FOLLOWING ORDER is hereby made:

License No. G 234032, heretofore issued to Karen Liane Ketterman aka Karen Liane Otto, is revoked; provided, however, that this order of revocation is hereby stayed and respondent is placed on probation for a period of three (3) years upon the following terms and conditions:

1. Respondent shall obey all the laws of the United States, State of California, and all rules and regulations and laws pertaining to the practice of nursing in this state.

2. Respondent shall fully and completely comply with the probation program established by the Board and cooperate with representatives of the Board.

3. Respondent during the period of probation shall report in person to such meetings of the Board of Registered Nursing or its designated representatives, as directed.

4. In the event respondent should leave California to reside or practice outside of the State, respondent shall comply with conditions of the probation program as directed by the Board. Periods of residency outside of the state will not apply to the reduction of this probationary term.

5. Respondent, during the period of probation, shall submit such written reports and verification of actions as are required by the Board.

6. Respondent, during the period of probation, shall engage in the practice of nursing in the state of California for a minimum of six months.

7. The Board shall be informed of and approve of and approve of any agency for which the respondent provides nursing services. The agency shall be informed of the reason for and terms of probation and shall submit performance evaluations and other reports as requested by the Board.

8. The Board shall be informed of and approve of the type of supervision provided while the respondent is functioning as a registered nurse. Respondent may not function as a supervisor.

9. Respondent may not work for a nurses' registry; as a faculty member in an approved school of nursing; or as an instructor in a Board-approved continuing education course.

10. Respondent shall begin and successfully complete a course(s) in nursing prior to providing direct patient care and prior to the end of the probationary term. The content of such course(s) and the place and conditions of instruction shall be approved by the Board prior to enrollment. Written proof of enrollment in such course(s) and proof of successful completion shall be given to the Board by the agency or entity instructing the respondent.

11. Respondent, within 45 days of the effective date of this decision, shall have a physician submit, in a format acceptable to the Board, an assessment of the respondent's physical condition and capability to perform the duties of a professional registered nurse. If medically determined, a recommended treatment program will be instituted and followed by the respondent with the physician providing written reports to the Board.

12. Respondent shall successfully complete or shall have successfully completed a rehabilitation program which the Board approves and shall have reports submitted by the program. If a program was not successfully completed prior to the period of probation, the respondent, within a reasonable period of time as determined by the Board but not exceeding 90 days of the effective date of the decision shall be enrolled in a program.

13. Respondent shall completely abstain from the personal use of all psychotropic drugs, including alcohol, in any form except when the same are lawfully prescribed.

14. Respondent shall participate or shall have participated in a drug screening program which the Board approves and shall have reports submitted by the program.

Respondent, at any time during the period of probation, shall fully cooperate with the Board or any of its representatives, in their supervision and investigation of compliance with the terms and conditions of probation.

Should respondent violate any of the above terms or conditions of probation, then the Board after providing respondent with notice and an opportunity to be heard may terminate respondent's probation and reimpose the order of revocation or take such other action as the Board deems just and reasonable in its discretion. Should respondent comply with all of the above terms and conditions, then at the end of the three (3) year period of probation, respondent's license shall be fully restored.

This decision shall become effective on the 28th day of
May, 1988.

IT IS SO ORDERED this 27th day of April,
1988.

/s/ Delia B. Goggins, R.N.
DELIA B. GOGGINS, President
Board of Registered Nursing

1 JOHN K. VAN DE KAMP, Attorney General
2 of the State of California
3 LAWRENCE C. KUPERMAN
4 Deputy Attorney General
5 110 West A Street, Suite 700
6 San Diego, California 92101
7 Telephone: (619) 237-7309

8 Attorneys for Complainant

9 BEFORE THE
10 BOARD OF REGISTERED NURSING
11 DEPARTMENT OF CONSUMER AFFAIRS
12 STATE OF CALIFORNIA

11 In the Matter of the Accusation)	No. 87-34
12 Against:)	
13 KAREN LIANE KETTERMAN)	<u>ACCUSATION</u>
14 aka KAREN LIANE OTTO)	
15 #1 Amberwood)	
16 Irvine, CA 92714)	
License No. G 234032,)	
Respondent.)	

17 Catherine M. Puri, R.N., Ph.D., for causes for disci-
18 pline, alleges:

19
20 1. Complainant Catherine M. Puri, R.N., Ph.D., makes
21 and files this accusation in her official capacity as Executive
22 Officer, Board of Registered Nursing, Department of Consumer
23 Affairs.

24
25 2. On July 31, 1973, the Board of Registered Nursing
26 issued registered nurse license number G 234032 to Karen Liane
27 Ketterman, also known as Karen Liane Otto. On November 21, 1975,

1 the board revoked respondent's license. On May 6, 1977, the
2 board denied her petition for reinstatement. On March 29, 1979,
3 the board issued a license to respondent, then placed the license
4 on three years probation. The license was in full force and
5 effect at all times pertinent herein and has been renewed through
6 August 31, 1987.

7
8 3. Under Business and Professions Code section 2750,
9 the Board of Registered Nursing may discipline any licensee,
10 including a licensee holding a temporary or an inactive license,
11 for any reason provided in Article 3 of the Nursing Practice Act.

12
13 4. CONTROLLED SUBSTANCES

14 "Demerol," a brand of meperidine hydrochloride, a deri-
15 vative of pethidine, is a Schedule II controlled substance as
16 designated by Health and Safety Code section 11055(c)(16).

17 "Dilaudid," a brand name of hydromorphone, is a Schedule
18 II controlled substance as designated by Health and Safety Code
19 section 11055(b)(1)(K).

20 "Morphine Sulfate" is a Schedule II controlled substance
21 as designated by Health and Safety Code section 11055(b)(1)(M).

22
23 5. Respondent has subjected her license to discipline
24 under Business and Professions Code section 2761(a) on the
25 grounds of unprofessional conduct, as defined in section 2762(e)
26 of that code in that while on duty at Pacifica Community Hospital,
27 Huntington Beach, she falsified, made grossly incorrect, grossly

1 inconsistent, and unintelligible entries in hospital and patient
2 records pertaining to controlled substances in the following
3 respects:

4 a. On September 24, 1985, at 0100 hours, she
5 signed for 15 mg. of morphine sulfate, a controlled substance, on
6 controlled drug record number 16316, line 4, for patient
7 Kathleen C., and failed to chart administration of the substance
8 on the patient's medication record.

9 b. On September 24, 1985, at 0400 hours, she
10 signed for 15 mg. of morphine sulfate, a controlled substance, on
11 controlled drug record number 16316, line 3, for patient
12 Kathleen C., and failed to chart administration of the substance
13 on the patient's medication record.

14 c. On September 24, 1985, at 0800 hours, she
15 signed for 15 mg. of morphine sulfate, a controlled substance, on
16 controlled drug record number 16316, line 2, for patient
17 Kathleen C., and failed to chart administration of the substance
18 on the patient's medication record.

19 d. On October 6, 1985, at 2330 hours, she signed
20 for 75 mg. of demerol, a controlled substance, on hospital
21 controlled drug record number 12355, line 6, for patient
22 Teresa B., and failed to chart administration of the substance on
23 the patient's medication record.

24 e. On October 6, 1985, at 0430 hours, she signed
25 for 75 mg. of demerol, a controlled substance, on hospital
26 controlled drug record number 12383, line 1, for patient

27 ///

1 Elizabeth S., and failed to chart administration of the substance
2 on the patient's medication record.

3 f. On October 11, 1985, at 2400 hours, she signed
4 for 75 mg. of demerol, a controlled substance, on hospital
5 controlled drug record number 12409, line 1, for patient Terry S.,
6 and failed to chart administration of the substance on the
7 patient's medication record.

8
9 6. Respondent has subjected her license to discipline
10 under Business and Professions Code section 2761(a) on the
11 grounds of unprofessional conduct, as defined in section 2762(a)
12 of that code in that while on duty at Pacifica Community Hospital
13 Hospital, Huntington Beach, she committed the following acts:

14 a. On September 24, 1985, she obtained 4 mg. of
15 dilaudid, a controlled substance, by fraud, misrepresentation or
16 subterfuge in violation of Health and Safety Code section
17 11173(a) by signing the name of J. Legget, R.N., on the hospital
18 controlled drug record in order to obtain the substance for her
19 own use.

20 b. On September 26, 1985, she obtained 4 mg. of
21 dilaudid, a controlled substance, by fraud, misrepresentation or
22 subterfuge in violation of Health and Safety Code section
23 11173(a) by signing the name of J. Legget, R.N., on the hospital
24 controlled drug record in order to obtain the substance for her
25 own use.

26 c. On September 30, 1985, she obtained 4 mg. of
27 dilaudid, a controlled substance, by fraud, misrepresentation or

1 subterfuge in violation of Health and Safety Code section
2 11173(a) by signing the name of J. French, R.N., on the hospital
3 controlled drug record in order to obtain the substance for her
4 own use.

5 d. On September 24, 1985, she obtained 4 mg. of
6 dilaudid, a controlled substance, by fraud, misrepresentation or
7 subterfuge in violation of Health and Safety Code section
8 11173(a) by signing the name of J. Legget, R.N., on the hospital
9 controlled drug record in order to obtain the substance for her
10 own use.

11 e. On October 1, 1985, she obtained 4 mg. of
12 dilaudid, a controlled substance, by fraud, misrepresentation or
13 subterfuge in violation of Health and Safety Code section
14 11173(a) by signing the name of J. French, R.N., on the hospital
15 controlled drug record in order to obtain the substance for her
16 own use.

17 f. On October 5, 1985, she obtained 4 mg. of
18 dilaudid, a controlled substance, by fraud, misrepresentation or
19 subterfuge in violation of Health and Safety Code section
20 11173(a) by signing the name of J. Legget, R.N., on the hospital
21 controlled drug record in order to obtain the substance for her
22 own use.

23 g. On October 5, 1985, she obtained 4 mg. of
24 dilaudid, a controlled substance, by fraud, misrepresentation or
25 subterfuge in violation of Health and Safety Code section
26 11173(a) by signing the name of J. French, R.N., on the hospital

27 ///

1 controlled drug record in order to obtain the substance for her
2 own use.

3 g. On October 10, 1985, she obtained 6 mg. of
4 dilaudid, a controlled substance, by fraud, misrepresentation or
5 subterfuge in violation of Health and Safety Code section
6 11173(a) by signing the name of J. Legget, R.N., on the hospital
7 controlled drug record in order to obtain the substance for her
8 own use.

9 i. On October 10, 1995, she obtained 2 mg. of
10 dilaudid, a controlled substance, by fraud, misrepresentation or
11 subterfuge in violation of Health and Safety Code section
12 11173(a) by signing the name of J. Legget, R.N., on the hospital
13 controlled drug record in order to obtain the substance for her
14 own use.

15 j. On October 10, 1985, she obtained 2 mg. of
16 dilaudid, a controlled substance, by fraud, misrepresentation or
17 subterfuge in violation of Health and Safety Code section
18 11173(a) by signing the name of J. Legget, R.N., on the hospital
19 controlled drug record in order to obtain the substance for her
20 own use.

21 k. On October 10, 1985, she obtained 75 mg. of
22 demerol, a controlled substance, by fraud, misrepresentation or
23 subterfuge in violation of Health and Safety Code section
24 11173(a) by signing the name of J. French, R.N., on the hospital
25 controlled drug record in order to obtain the substance for her
26 own use.

27 ///

1 1. On October 10, 1985, she obtained 200 mg. of
2 demerol, a controlled substance, by fraud, misrepresentation or
3 subterfuge in violation of Health and Safety Code section
4 11173(a) by signing the name of J. Legget, R.N., on the hospital
5 controlled drug record in order to obtain the substance for her
6 own use.

7 m. On October 10, 1985, she obtained 200 mg. of
8 demerol, a controlled substance, by fraud, misrepresentation or
9 subterfuge in violation of Health and Safety Code section
10 11173(a) by signing the name of J. French, R.N., on the hospital
11 controlled drug record in order to obtain the substance for her
12 own use.

13 n. On October 5, 1985, she obtained 200 mg. of
14 demerol, a controlled substance, by fraud, misrepresentation or
15 subterfuge in violation of Health and Safety Code section
16 11173(a) by signing the name of J. French, R.N., on the hospital
17 controlled drug record in order to obtain the substance for her
18 own use.

19 o. On October 5, 1985, she obtained 100 mg. of
20 demerol, a controlled substance, by fraud, misrepresentation or
21 subterfuge in violation of Health and Safety Code section
22 11173(a) by signing the name of J. Legget, R.N., on the hospital
23 controlled drug record in order to obtain the substance for her
24 own use.

25 p. On October 6, 1985, she obtained 100 mg. of
26 demerol, a controlled substance, by fraud, misrepresentation or
27 subterfuge in violation of Health and Safety Code section

1 11173(a) by signing the name of J. Legget, R.N., on the hospital
2 controlled drug record in order to obtain the substance for her
3 own use.

4 q. On October 4, 1985, she obtained 200 mg. of
5 demerol, a controlled substance, by fraud, misrepresentation or
6 subterfuge in violation of Health and Safety Code section
7 11173(a) by signing the name of J. Legget, R.N., on the hospital
8 controlled drug record in order to obtain the substance for her
9 own use.

10 r. On October 4, 1985, she obtained 100 mg. of
11 demerol, a controlled substance, by fraud, misrepresentation or
12 subterfuge in violation of Health and Safety Code section
13 11173(a) by signing the name of J. French, R.N., on the hospital
14 controlled drug record in order to obtain the substance for her
15 own use.

16 s. On October 5, 1985, she obtained 75 mg. of
17 demerol, a controlled substance, by fraud, misrepresentation or
18 subterfuge in violation of Health and Safety Code section
19 11173(a) by signing the name of J. French, R.N., on the hospital
20 controlled drug record in order to obtain the substance for her
21 own use.

22 t. On October 5, 1985, she obtained 75 mg. of
23 demerol, a controlled substance, by fraud, misrepresentation or
24 subterfuge in violation of Health and Safety Code section
25 11173(a) by signing the name of J. Legget, R.N., on the hospital
26 controlled drug record in order to obtain the substance for her
27 own use.

1 u. On October 7, 1985, she obtained 75 mg. of
2 demerol, a controlled substance, by fraud, misrepresentation or
3 subterfuge in violation of Health and Safety Code section
4 11173(a) by signing the name of J. French, R.N., on the hospital
5 controlled drug record in order to obtain the substance for her
6 own use.

7 v. On October 8, 1985, she obtained 75 mg. of
8 demerol, a controlled substance, by fraud, misrepresentation or
9 subterfuge in violation of Health and Safety Code section
10 11173(a) by signing the name of J. French, R.N., on the hospital
11 controlled drug record in order to obtain the substance for her
12 own use.

13 w. On October 5, 1985, she obtained 100 mg. of
14 demerol, a controlled substance, by fraud, misrepresentation or
15 subterfuge in violation of Health and Safety Code section
16 11173(a) by signing the name of J. French, R.N., on the hospital
17 controlled drug record in order to obtain the substance for her
18 own use.

19 x. On October 5, 1985, she obtained 200 mg. of
20 demerol, a controlled substance, by fraud, misrepresentation or
21 subterfuge in violation of Health and Safety Code section
22 11173(a) by signing the name of J. Legget, R.N., on the hospital
23 controlled drug record in order to obtain the substance for her
24 own use.

25 y. On October 10, 1985, she obtained 200 mg. of
26 demerol, a controlled substance, by fraud, misrepresentation or
27 subterfuge in violation of Health and Safety Code section

1 11173(a) by signing the name of J. Legget, R.N., on the hospital
2 controlled drug record in order to obtain the substance for her
3 own use.

4 z. On September 26, 1985, she obtained 300 mg. of
5 demerol, a controlled substance, by fraud, misrepresentation or
6 subterfuge in violation of Health and Safety Code section
7 11173(a) by misrepresenting on the hospital controlled drug
8 record that she had obtained the substance for patient Laurence P.,
9 when in fact she obtained it for her own use.

10 aa. On September 29, 1985, she obtained 600 mg. of
11 demerol, a controlled substance, by fraud, misrepresentation or
12 subterfuge in violation of Health and Safety Code section
13 11173(a) by misrepresenting on the hospital controlled drug
14 record that she had obtained the substance for patient Sandra G.,
15 when in fact she obtained it for her own use.

16 bb. On October 2, 1985, she obtained 700 mg. of
17 demerol, a controlled substance, by fraud, misrepresentation or
18 subterfuge in violation of Health and Safety Code section
19 11173(a) by misrepresenting on the hospital controlled drug
20 record that she had obtained the substance for patient Sharon K.,
21 when in fact she obtained it for her own use.

22 cc. On October 3, 1985, she obtained 600 mg. of
23 demerol, a controlled substance, by fraud, misrepresentation or
24 subterfuge in violation of Health and Safety Code section
25 11173(a) by misrepresenting on the hospital controlled drug
26 record that she had obtained the substance for patient Kenneth G.,
27 when in fact she obtained it for her own use.

1 dd. On October 3, 1985, she obtained 225 mg. of
2 demerol, a controlled substance, by fraud, misrepresentation or
3 subterfuge in violation of Health and Safety Code section
4 11173(a) by misrepresenting on the hospital controlled drug
5 record that she had obtained the substance for patient Teresa B.,
6 when in fact she obtained it for her own use.

7 ee. On October 5, 1985, she obtained 800 mg. of
8 demerol, a controlled substance, by fraud, misrepresentation or
9 subterfuge in violation of Health and Safety Code section
10 11173(a) by misrepresenting on the hospital controlled drug
11 record that she had obtained the substance for patient Brian C.,
12 when in fact she obtained it for her own use.

13 ff. On October 7, 1985, she obtained 100 mg. of
14 demerol, a controlled substance, by fraud, misrepresentation or
15 subterfuge in violation of Health and Safety Code section
16 11173(a) by misrepresenting on the hospital controlled drug
17 record that she had obtained the substance for patient Brian C.,
18 when in fact she obtained it for her own use.

19 gg. On October 6, 1985, she obtained 150 mg. of
20 demerol, a controlled substance, by fraud, misrepresentation or
21 subterfuge in violation of Health and Safety Code section
22 11173(a) by misrepresenting on the hospital controlled drug
23 record that she had obtained the substance for patient
24 Elizabeth S., when in fact she obtained it for her own use.

25
26 7. In order to determine the degree of penalty, if any,
27 complainant alleges that the board revoked respondent's license

1 on November 21, 1975, in proceeding number 75-39. On April 21,
2 1977, the board denied respondent's petition for reinstatement.
3 On March 29, 1979, the board issued a three-year probationary
4 license to respondent.

5

6 WHEREFORE, complainant prays a hearing be had and that
7 the Board of Registered Nursing make its order:

8 1. Revoking or suspending registered nurse license
9 number G 234032, issued to Karen Liane Kettermann, also known as
10 Karen Liane Otto.

11 2. Taking such other and further action as may be
12 deemed proper and appropriate.

13

DATED:

Oct 24, 1986

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Catherine M. Puri
CATHERINE M. PURI, R.N., Ph.D.
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California

Complainant

03579110-
SD86AD0471

BEFORE THE BOARD OF REGISTERED NURSING

DEPARTMENT OF CONSUMER AFFAIRS

STATE OF CALIFORNIA

In the Matter of the Petition for)	
Reinstatement of)	
)
KAREN L. OTTO,)	N 13028
)
Respondent.)	
_____)	

This matter was heard before the Board of Registered Nursing on March 29, 1979, at San Francisco, California. Sitting as the Board were Bonnie Bullough, President; and Members Thomasa Long, R.N.; Gloria Byrd, R.N.; Jose Bernardo; Mary Ann Greycloud, R.N.; and George S. Buehler, M.D.

Robert S. Kendall, Administrative Law Judge, State of California, Office of Administrative Hearings, presided, however he took no part in the deliberations and determinations made by the Board in executive session; all members present.

Stephanie Wald, Deputy Attorney General, appeared on behalf of the Board of Registered Nursing.

Accordingly, the following decision was made by the Board:

DECISION

1. Petitioner Karen L. Otto has demonstrated to the satisfaction of the Board that she is rehabilitated.

It is the order of the Board that, on prompt and proper application made by her to the Board, she shall be issued a probationary license under the following terms and conditions.

2. She shall remain on probation to the Board for a period of three (3) years, unless such period is shortened by

further order of the Board, either on its own motion, or petition of respondent.

During her period of probation:

- (1) Petitioner shall obey all the laws of the United States, State of California, and its political subdivisions, and all rules and regulations and laws pertaining to the practice of nursing in this state.
- (2) Petitioner shall fully and completely comply with the Probation Program established by the Board, and cooperate with representatives of the Board.
- (3) Petitioner during the period of probation shall report in person to such meetings of the Board of Registered Nursing, or its designated representatives, as directed.
- (4) Petitioner during the period of probation shall submit such written reports and verification of actions as are required by the Board.
- (5) Petitioner if she be employed in nursing at any time during the period of probation shall have the employer submit to the Board verification that the employer understands the conditions of probation.
- (6) Petitioner shall begin and successfully complete a refresher course in nursing prior to accepting employment as a registered nurse and prior to the end of the probationary term. The content of such course, and the place and conditions of instruction shall be acceptable to the Board. Proof of enrollment in such course and proof of successful completion shall be given to the Board by the agency or entity instructing the petitioner.
- (7) Petitioner shall be employed as an R.N. only in an institution which provides a structured, ongoing in-service program, and evidence of participation in such a program will be submitted to the Board as requested.

- (8) Petitioner shall be employed as an R.N. only in a setting in which full supervision is provided, and may not function as a supervisor. Prior approval of the employing agency must be obtained from the Board.
- (9) Petitioner shall participate in an alcoholic rehabilitation program and shall submit quarterly reports from the supervisor of such program as to progress in rehabilitation efforts, commencing ninety (90) days from the effective date of this decision. If involved in A.A., petitioner shall submit written documentation of ongoing participation and attendance on a quarterly basis, commencing ninety (90) days from the effective date of decision.
- (10) Petitioner shall completely abstain from the use of alcohol.
- (11) Petitioner, at any time during the period of probation, shall fully cooperate with the Board of Registered Nursing or any of its agents or employees, in their supervision and investigation of her compliance with the terms and conditions of this probation; and shall, when requested submit to such tests and samples as the Board or its agents or employees may require for the detection of alcohol, narcotics, hypnotics, dangerous drugs, or controlled substances.

3. Should petitioner violate, or fail to comply with any term or condition of the probation herein ordered, the Board, after notice to her and an opportunity to be heard thereon, may suspend or revoke the probationary license herein granted.


Should petitioner comply in all respects and in good faith with all terms and conditions herein imposed, at the conclusion of the term of probation, an unrestricted license shall thereafter be issued to her.

DATED: April 12, 1979

BOARD OF REGISTERED NURSING
STATE OF CALIFORNIA

Effective date of decision:

March 29, 1979


BONNIE BULLOUGH, R.N.
President

BEFORE THE BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
OF THE STATE OF CALIFORNIA

In the Matter of the Petition for)	
Reinstatement of)	
KAREN LIANE OTTO,)	NO. 75-39
Respondent.)	N 9628
_____)	

DECISION

The matter was heard before the Board of Registered Nursing, on April 21, 1977, at San Francisco, California. Sitting for the Board were Mary Ann Greycloud, R.N., Vice President and members Gloria Byrd, R.N., Wanda Agostini, and Tomasa Long, R.N. Robert S. Kendall, Administrative Law Judge, State of California, Office of Administrative Hearings, presided over the hearing, but thereafter did not participate in the decision which was arrived at in executive session, all members present.

Petitioner Karen L. Otto, was present and was represented by her counsel, Steven B. Fishman, Esq., 330 Park Avenue, Suite 8B, Laguna Beach, California 92651.

Accordingly, the following decision was made by the Board:

FINDINGS OF FACT

I

On or about October 21, 1975, the Board of Registered

Nursing adopting as its decision, the proposed decision of a hearing office of the Office of Administrative Hearings, a copy of which is attached hereto and marked as "Exhibit A", wherein the License No. G 234032 of respondent was revoked for cause shown. The Order of the Board became effective November 21, 1975.

II

Since and before revocation of her license respondent has been on probation to the Superior Court for Orange County. It was established that on March 29, 1977, a report was rendered by her probation officer, Joan L. Merritt wherein Mrs. Merritt alleges that on October 13, 20 and 29, 1975, petitioner, under narcotics urinalysis testing, tested positive for propoxyphene. It as also alleged her test of April 5, 1976 was positive for morphine; the test of September 27, 1976 was positive for phenobarbital and secobarbital.

It is true respondent denies now and denied then the taking of any of these substances. It is also true that an inference was raised at the hearing that the results of police laboratory tests are not always accurate. It was not established however, that the test results recited above were inaccurate.

III

It was established that in January, 1976, petitioner was returned to Superior Court for violation of her probation

stemming from court action in Municipal Court for Drunk Driving and the positive results of the October, 1975 testing for narcotics.

While it is true the Superior Court vacated the 60 days stayed jail sentence, petitioner was sentenced to serve 8 days and her probation continued.

IV

a) At sometime after May, 1976, respondent's exhusband gained custody of the two sons of petitioner and thereafter petitioner was observed on several occasions by her probation officer to exhibit the symptoms of alcohol abuse. Petitioner admits that she had a drinking problem due to her emotional problems which on occasion, resulted in consumption of up to a pint of vodka per day.

b) Commencing on and after November, 1976, on orders of her probation officer, respondent commenced counseling and Alcohol Services in Santa Ana, where she underwent detoxification and commenced therapy. It was established she discontinued going to the clinic on February 17, 1977 and on March 7, 1977, was observed to have been drinking by her probation officer.

c) Petitioner testified she has resumed counseling and Alcohol Services and has commenced taking Antabuse on March 28, 1977.

V

a) Since revocation of her license approximately 17 months ago, petitioner has worked as a nurses' aide in

convalescent hospitals in Orange County without apparent or reported problems.

b) Petitioner believes that despite her recent setback evidenced by her alcohol abuse, she has progressed significantly in resolution of her emotional and familial problems to warrant her re-entry into Registered Nursing.

VI

It is true that petitioner has been consulting a psychologist between April 5, 1976 and May 17, 1976 for a total of 10 visits and from January 19, 1977 through March 21, 1977 for a total of six visits and has demonstrated significant changes and improvements on Multiphasic Personality Inventory testing. It is not thereby established however, that she has sufficiently stabilized the personality problems which were and are the underlying causes of her past abuse of narcotic/dangerous drugs and her recent abuse of alcohol.

DETERMINATION OF ISSUES

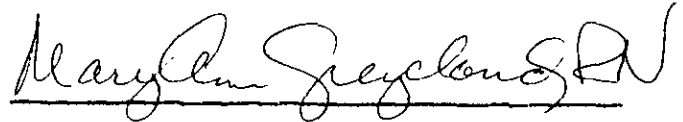
The matters set forth in Findings of Fact II, III, IV, V and VI establish that petitioner has not established by substantial evidence that reason or cause exists for reinstatement of her license to practice the profession of Registered Nursing.

ORDER

The petition of Karen Liane Otto for Reinstatement

of her revoked license is hereby denied.

DATED: May 6, 1977

A handwritten signature in cursive script, reading "Mary Ann Greycloud R.N.", written over a horizontal line.

MARY ANN GREYCLOUD, R.N.
Vice President
Board of Registered Nursing
Department of Consumer Affairs
State of California

BEFORE THE BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
OF THE STATE OF CALIFORNIA

In the Matter of the Accusation
Against:

KAREN LIANE OTTO
19541 Constellation Lane
Huntington Beach, California 92646
License No. G 234032,
Respondent.

Case No. 75-39

L-8750

PROPOSED DECISION

This matter came on regularly for hearing before Willis Mevis, Hearing Officer of the Office of Administrative Hearings, at Santa Ana, California on August 13, 1975, at the hour of 9:30 a.m. Richard Arnold, Deputy Attorney General, represented the complainant. Respondent appeared in person and was represented by Steven Fishman, Attorney at Law. Evidence both oral and documentary having been introduced and the matter submitted, the Hearing Officer finds the following facts:

I

Michael R. Buggy, R.N., is the Executive Secretary of the Board of Registered Nursing, Department of Consumer Affairs, State of California (hereinafter referred to as the "Board"), and filed this Accusation in his official capacity.

II

On July 31, 1973, Karen Liane Otto (hereinafter referred to as the "respondent") was issued Registered Nurse license No. G 234032 by the Board. Said license was at all times herein mentioned in full force and effect and has been renewed through August 31, 1975.

III

On December 20, 1974, in case No. G 33264, in the Superior

BEFORE THE BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
OF THE STATE OF CALIFORNIA

In the Matter of the Accusation
Against:

KAREN LIANE OTTO
19541 Constellation Lane
Huntington Beach, California 92646

License No. G 234032

Respondent.

Case No. 75-39

L-8750

DECISION

The attached Proposed Decision of the Hearing Officer
is hereby adopted by the Board of Registered Nursing as its
Decision in the above-entitled matter.

This Decision shall become effective on the 21st day of
NOVEMBER, 1975.

IT IS SO ORDERED this 21st day of OCTOBER, 1975.

BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
OF THE STATE OF CALIFORNIA

By Gordon L. Ogden
BOARD PRESIDENT

Court of the State of California, County of Orange, respondent was convicted pursuant to her plea of guilty of the violation of Health and Safety Code Section 11173(b) (Making a False Statement in a Record Required by Division 10 of said Code). A crime involving moral turpitude. Imposition of sentence was suspended and respondent placed on formal probation for three years with one of the conditions being that said respondent be confined in the Orange County jail for 60 days for any violation of probation.

IV

On August 23, 1974, respondent was arrested for violation of Health and Safety Code Sections 1173(b) (Making a False Statement in a Record) and 11350 (Possession of Controlled Substance). The following items were found in respondent's possession:

- A. Prescription vial #168182 issued to Dorothy Bruce, label indicating Emperin Compound #3, 30 tablets. The vial contained 27 white tablets marked "Tabloid brand #3" identified as Emperin Compound with 1/2 gr. Codeine.
- B. Prescription vial #156784 issued to respondent for Eskatrol #30. The vial contained 7 white tablets identified as Emperin Compound.
- C. A 2 cc. vial (sealed) marked "Vistaril."
- D. Four white tablets marked "McNeil" to one side and the number 4 on the other side, identified as Tylenol with one gr. Codeine.
- E. Three Jelco plastic syringes, 5 cc. capacity, each containing Pethidine (Demerol).
- F. Five tubex containers marked Meperidine 100 mg., each containing Pethidine (Demerol).
- G. Two foil wrapped tablets; foil marked Emperin Compound with Codeine 1/2 gr.

V

On July 5, 1974, at 3:30 p.m., respondent signed out for Demerol on narcotic record No. 50 East of Los Alamitos Hospital for administration to patient Orphy Gullas. Said patient's medication record and nurses notes indicated no Demerol administered.

VI

On July 5, 1974, at 3:00 a.m. and 5:30 p.m., respondent signed out for Demerol on narcotic record No. 50 East of Los Alamitos General Hospital for administration to patient John Kammerman. Said patient's medication record did not indicate administration of Demerol at 5:30 p.m. on said date. Nurses notes for said patient did not indicate that Demerol was administered.

VII

On July 5, 1974, at 4:00 p.m., respondent signed out for Demerol on narcotic record No. 148 East of Los Alamitos General Hospital for administration to patient Betty B. Buckman. Nurses notes indicated patient sleepy but responsible at 4:00 p.m. and medicated for pain at 6:00 p.m. Both the narcotic record and medication record entries appeared to have been made at 6:00 p.m. and changed to 4:00 p.m.

VIII

On July 5, 1974, at 3:30 p.m., respondent signed out for Demerol on narcotic record No. 135 East of Los Alamitos General Hospital for administration to patient Alice Sigenthaler. Respondent entered the date of "5/7" when it should have been 7/5. Patient's medication record indicated no Demerol administered. There was no indication in nurses notes that Demerol was administered.

IX

On June 4, 1974, at 4:00 p.m. and 7:00 p.m., respondent signed out for Demerol on narcotic record No. 8489 East of Los Alamitos General Hospital for administration to patient Paula R. Dase. Patient's medication record indicated no administration of Demerol at 7:00 p.m.

X

On July 15, 1974, at 7:00 a.m. and 11:15 a.m., respondent signed out for Demerol on narcotic record No. 48381 of Riverview Hospital for administration to patient Louise M. Mitchell. Said patient's medication record indicated that Demerol was administered at 7:00 a.m. and 11:10 a.m. The nurses notes for said patient indicated that patient was medicated for pain in jaw at 7:30 a.m. and no indication of administration of Demerol on or about 11:00 a.m.

XI

On July 17, 1974, at 7:20 a.m. and 1:00 p.m., respondent signed out for Demerol on narcotic record No. 48384 of Riverview Hospital for administration to patient Louise M. Mitchell. Said patient's medication record indicated that patient was administered Demerol at 7:20 a.m. and 11:00 a.m. The nurses notes indicated medication for pain only at 12:00 p.m.

XII

On July 21, 1974, at 2:00 p.m., respondent signed out for Demerol on narcotic record No. 48388 of Riverview Hospital for administration to patient Louise M. Mitchell. Patient's medication record indicated no Demerol administered. Nurses notes did not indicate administration of Demerol.

XIII

On July 23, 1974, at 12:00 p.m., respondent signed out for Demerol on narcotic record No. 48389 of Riverview Hospital for administration to patient Louise M. Mitchell. Said patient's medication record indicated Demerol administration at 12:00 p.m. The nurses notes for said patient indicated that respondent gave medication at 2:00 p.m.

XIV

On July 25, 1974, at 8:00 a.m. and 12:00 p.m., respondent signed out for Demerol on narcotic record No. 48389 of Riverview Hospital for administration to patient Louise M. Mitchell. Said patient's medication record indicated Demerol administered at 8:00 a.m.

and 12:00 p.m. Nurses notes for said patient did not indicate medication administered at said times.

XV

On July 26, 1974, at 8:10 a.m. and 1:00 p.m., respondent signed out for Demerol on narcotic record No. 3906 of Riverview Hospital for administration to patient Louise M. Mitchell. Said patient's medication record indicated that Demerol was administered at 9:00 a.m. and 1:00 p.m. Nurses notes for said patient indicated no Demerol administered at said times.

XVI

On July 29, 1974, at 2:00 p.m. and 10:00 p.m., respondent signed out for Demerol on narcotic record No. 3912 of Riverview Hospital for administration to patient Louise M. Mitchell. Said patient's medication record indicated Demerol administered at 2:30 p.m. and 10:00 p.m. Nurses notes for said patient indicated that medication was administered at 10:00 p.m.

XVII

On July 30, 1974, at 4:00 p.m. and 10:00 p.m., respondent signed out for Demerol on narcotic record No. 3912 of Riverview Hospital for administration to patient Louise M. Mitchell. Said patient's medication record indicated Demerol administered at 4:00 p.m. and 9:30 p.m. Nurses notes for said patient indicated patient medicated for pain at 4:00 p.m.

XVIII

The evidence established the following: Respondent was in a depressed and emotional state due to marital difficulties and worry over a sick child. When she was to administer a drug to a patient that was asleep, she would use the drug herself. Her drug use covered a period of about two months. She was relieved when she was arrested. She no longer uses drugs. There was no evidence of harm to any patient as a result of her conduct. Respondent voluntarily attended group therapy sessions at the Orange Mental Health Center following her conviction and was

discharged.

One of the terms of her probation is to submit to voluntary search and seizure. She is being tested weekly for any use of drugs. She faces a ninety (90) day jail term for any violation of the terms of her probation which does not expire until December 1977. She is very interested in nursing and is now employed as a nurses aide. She is divorced and the mother of two teenaged sons.

* * * * *

Pursuant to the foregoing findings of fact, the Hearing Officer makes the following determination of issues:

I

Grounds for disciplinary action against respondent have been established pursuant to Section 2761(a) of the Business and Professions Code together with Sections 2762(a), 2762(c) and 2762(e) of said Code by reason that respondent has committed acts constituting unprofessional conduct.

II

Grounds for disciplinary action against respondent have been established pursuant to Section 2761(a) of the Business and Professions Code together with Section 2761(f) and Section 490 of said Code by reason that respondent has committed acts constituting unprofessional conduct by reason of respondent's conviction of a crime involving moral turpitude which is substantially related to the qualifications, functions and duties of the business and profession of a licensed registered nurse.

III

The Board may impose discipline pursuant to Section 2750 of the Business and Professions Code. The Board retains jurisdiction pursuant to Section 2764 of the Business and Professions Code.

* * * * *

WHEREFORE, THE FOLLOWING ORDER is hereby made:

License No. G 234032 heretofore issued to the respondent

by the Board of Registered Nursing is hereby revoked.

I hereby submit the foregoing which constitutes my Proposed Decision in the above-entitled matter as a result of the hearing had before me on August 13, 1975, at Santa Ana, California, and recommend its adoption as the decision of the Board of Registered Nursing.



WILLIS DAVIS, Hearing Officer
Office of Administrative Hearings

DATED: September 19, 1975

WM: jm